

AMENDED IN ASSEMBLY JUNE 27, 2005

AMENDED IN ASSEMBLY JUNE 14, 2005

AMENDED IN SENATE APRIL 19, 2005

**SENATE BILL**

**No. 389**

**Introduced by Senator Morrow**

February 17, 2005

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An act to add Section 13083 to the Financial Code, relating to automated teller machines.

LEGISLATIVE COUNSEL'S DIGEST

SB 389, as amended, Morrow. Automated teller machine fees.

Existing law prohibits an operator of an automated teller machine from imposing a surcharge upon a customer unless the surcharge is disclosed to the customer.

This bill would provide that ~~an owner or operator of an automated teller machine may charge and collect a surcharge to a customer conducting a transaction using an account from a financial institution that is located out of the United States~~ *agreement to operate or share an automated teller machine may not prohibit, limit, or restrict the right of the operator of the automated teller machine to charge a customer conducting a transaction using an account from a financial institution that is located outside the United States an access fee or surcharge.*

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Section 13083 is added to the Financial Code, to read:

13083. (a) ~~The owner or operator of an automated teller machine may charge and collect a surcharge from a customer conducting a transaction using an account from a financial institution that is located out of the United States. Subject to the requirements of Section 13080, an agreement to operate or share an automated teller machine may not prohibit, limit, or restrict the right of the operator of the automated teller machine to charge a customer conducting a transaction using an account from a financial institution that is located outside the United States an access fee or surcharge not otherwise prohibited under state or federal law.~~

(b) *Notwithstanding subdivision (a), nothing in this section shall be construed to prohibit or otherwise limit the ability of an operator of an automated teller machine to voluntarily enter into an agreement regarding participation in a surcharge free network.*

~~(b)~~  
(c) For purpose of this section, the terms “operator” and “automated teller machine” have the meanings set forth in Section 13020.